



CANNON BUILDING
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DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, June 13, 2013 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	July 10, 2013

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Education Member
Kathy Bradley, LPN Member
Dianne Halpern, RN Member
Robert Maddex, Public Member
Madelyn Nellius, Public Member
David Salati, RN Member
Tracy Littleton, LPN Member
Delphos Price, APN Member
Harland Sanders, Jr., Public Member
Mary Lomax, Public Member
Pamela Tyranski, RN Member
Lyron Deputy, RN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Sheryl Paquette, Administrative Specialist III
Patty Davis-Oliva, Deputy Attorney General

MEMBERS ABSENT

Pamela Zickafoose, Executive Director

ALSO PRESENT

Vera Sitze, Wilcox and Fetzer
Carrie L. Branneck
Barbara J. Robinson
Suzanne Raab Long
Gladys Demby
Selbatu Gaojia
Tammy Paxton, DTCC, Owens Campus
Dawnyel Furlong
Connie Bushey, M.H. Rollins School of Nursing at Beebe Medical Center
Jeffrey M. Foraker
Greg Morris
Stacey Stewart
Vivian Griffin

Leslie Hensley
Jude Kolenc
Eileen Hynes
Rick Chamberlin

Ms. Nicholson called the meeting to order at 9:05 a.m. The Board introduced themselves to the public.

REVIEW OF MINUTES (May 8, 2013)

The Board reviewed the minutes of the May 8, 2013 meeting. Mr. Salati asked to change the word 'plead' to 'pled' on page 6. Ms. Nicholson asked that the word 'Scripts' be added after 'Express' on page 7, paragraph 2, line 6. Mr. Price asked to change the word 'one' to 'one of the' on page 3 under Committee Reports. The April 17th meeting minutes listed Mr. Maddex as abstaining. He was at that meeting so the minutes will be changed to reflect that. Mr. Price made a motion, seconded by Ms. Nellius, to approve the minutes as corrected. By majority vote, the motion carried, with Mr. Deputy and Ms. Tyranski abstaining.

ADOPTION OF THE AMENDED AGENDA

Mr. Price made a correction on page 3, under section 9.8. He asked that 9.9.1 and 9.9.2 be changed to reflect 9.8.1 and 9.8.2 respectively. Mr. Price made a motion, seconded by Mr. Maddex, to adopt the agenda as amended with changes. By unanimous vote, the motion carried.

ACTIVITIES REPORT

In Dr. Zickafoose's absence, Ms. Nicholson gave the report. The number and types of active licenses as of June 12, 2013 are as follows:

Total Active Licenses = 20,458

APN = 1295

RN = 16,131

LPN = 3032

Total permits = 25

UNFINISHED BUSINESS

Rules and Regulations – Ms. Davis-Oliva said on April 1, 2013 proposed changes to Rule 6.4 of the Board's Rules and Regulations were published. This change will permit graduates from out of state programs that didn't attend a Board approved school to still sit for the exam, if the Board found at the time of application that the program they attended was substantially similar and met the minimum requirements for a Board approved program in this state. This change was added to the section that addresses graduates. There were no comments received during the first 30 day comment period or at the time of the public hearing, except for the Board Chairperson who indicated there were minor technical non-substantive changes; specifically, the word 'board' was not capitalized as it was used in the new language. The written comment period was opened for an additional 20 days during which no comments were received. The Board deliberated on the proposed changes, and then Ms. Bradley made a motion, seconded by Ms. Nellius, to accept the changes as proposed. By unanimous vote, the motion carried. Ms. Davis-Oliva stated that previously Dr. Zickafoose noticed Rule 10.4.2.21 had a typographical error, so without pre-publication she is proposing an order to the Board to change that error. Ms. Davis-Oliva said the Rule currently states in the list of disciplinable offenses: "Allowing another person to use her or his nursing license, temporary permit, or advanced practice nurse." The change will be to strike through the last words and the corrected sentence will read; "Allowing another person to use her or his nursing license or temporary permit." Mr. Deputy made a motion, seconded by Ms. Littleton, to accept the technical change in Rule 10.4.2.21. By unanimous vote, the motion carried. Ms. Davis-Oliva had the order signed by the Board.

COMMITTEE REPORTS

Practice and Education Committee – Dr. Contino gave the following updates:

- Leads School of Technology – Practice and Education Committee members Dr. Contino, Ms. Valerie Harrison, and Dr. Zickafoose, as well as Ms. Patricia Keaton, Delaware Department of Education, visited this school on May 13, 2013 to verify improvements the school proposed in their interim report last June. It was reported at the June 10th APN meeting that Leads School was implementing their action plan and the members that visited the school reported that they were pleased with the improvements that have been made.
- DTCC campuses – The main item on the June 10th agenda was the curriculum for the integration of the three campuses. Members of the DTCC faculty that were involved in the integration of the plan attended the committee meeting. The plan was reviewed and questions were answered. The committee then voted to approve the plan. Dr. Contino said the committee would like to entertain a motion for the Board to approve the integration plan for DTCC. DTCC will be moving from a systems-based model to a conceptual-based framework, and they hope to implement this in January 2014. The motion was made for the Board to approve the integration plan for DTCC. By unanimous vote, the motion carried. Ms. Nicholson said the motion did not need a second.
- Wesley College faculty request – There was a faculty request from Wesley College for a new faculty member. The request was approved by the committee.
- Lincoln University, PA – The committee received notification from them to use A.I. DuPont for their clinical. Dr. Contino said the Board's Rules and Regulations state they only need to notify the Board. No motion to approve is needed.
- Sierra Mountain College – A letter of intent was sent. They will be planning a proprietary LPN program.
- NLN Accreditation Committee – This committee has changed their name to Accreditation Committee for the Education of Nurses (ACEN) effective May 6, 2013.
- Leads School of Technology Program Director Resignation – Ms. Rachel Joseph, Program Director, resigned her position effective June 1st. She has taken another employment opportunity and Leads School is now looking to fill her position.

The Practice and Education committee will meet on Friday, June 14th to review interim reports on schools with conditional approval status that were due June 1st.

PRESIDENT'S REPORT

Ms. Nicholson gave special recognition to four of the Board members: Ms. Tyranski, Mr. Price, Mr. Deputy, and Dr. Contino. She said each of these four members devote a great deal of extra time and effort in order to fulfill a committee assignment. Ms. Tyranski serves on the AWSAM Committee, Mr. Price serves on the APN Committee, Mr. Deputy serves on the Legislative Committee, and Dr. Contino services on the Practice and Education Committee. They each do an excellent job in representing the Board and in reporting back to the members of the Board so that they can make well-informed decisions. She said the Board greatly appreciates all that they have done and all that they continue to do. She gave a special 'thank you' to each of them.

EXECUTIVE DIRECTOR'S REPORT

No report was given.

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

By Examination

None

By Endorsement

Stacey Hendricks, RN

Ms. Hendricks graduated from Manatee Community College, Bradenton, FL in May 1999. She answered 'no' to question #18 "Have any of your Nursing licenses ever been disciplined"; however, she had previous discipline in Pennsylvania. She did note that she had a license in Florida and New Jersey, but did not mention anything about Pennsylvania. She did not submit a letter of explanation and no letters of reference; however, she did submit a positive employer reference. Ms. Nicholson noted that under employment Ms. Hendricks said on her application that she worked in Florida from 1998 to November 2001, and then worked in New Jersey 2012 to 2013. There is nothing noted between 2001 and 2012. Ms. Nicholson asked Ms. Davis-Oliva to discuss the applicant's discipline in Pennsylvania with the Board. Ms. Davis-Oliva read her NCLEX report which indicates in the state of Pennsylvania that on September 10, 2004 Pennsylvania uploaded a discipline that they captioned as follows; 'misappropriated medication by a patient, then gave the medication to a family member and another patient'. This is a violation, in that she is unable to practice safely, and a violation in that she provided substandard and inadequate care. The discipline received was a suspension of her license for an unspecified term. Her license was subsequently reinstated in 2010. The license was reinstated to an unrestricted, non-probationary status in 2010. Ms. Nicholson noted that on question #21 the applicant stated that she had completed 30 hours of nursing education in the past 2 years, but when the application required her to list those hours she only listed 14 hours. She signed an affidavit that her answers were true but the answer to #18 was not true. Mr. Price made a motion, seconded by Ms. Tyranski, to propose to deny her licensure by endorsement with the right of the applicant to a hearing. The Board proposed to deny her license based on her prior discipline and on her untruthfulness. By unanimous vote, the motion carried.

Nicole Mercer, RN

Ms. Mercer graduated from West Chester University, West Chester, PA in 2007. She failed the licensure exam in Delaware in 2009, but was given licensure in Pennsylvania in October 2012. She does not have the practice hours required for licensure at this time. Ms. Nicholson stated that Ms. Mercer left question #19 regarding nursing employment blank on her application; however, she has had her license in Pennsylvania since October. Mr. Salati mentioned that Ms. Mercer stated she could not find a job. Ms. Nicholson said Ms. Mercer did not complete a refresher course in the past two years and Mr. Price said he felt she needed to do that since she hasn't practiced since leaving school in 2007. Mr. Sanders made a motion, seconded by Ms. Bradley, to propose to deny her licensure by endorsement with the right of the applicant to a hearing. By majority vote, the motion carried, with Mr. Salati voting no. Ms. Davis-Oliva said if no refresher course is available, Ms. Mercer would be okay to do a Supervised Practice Plan.

By Reinstatement

None

Advanced Practice Nurse

Susan Gamel-McCormick, CNS

Ms. Gamel-McCormick graduated from the Virginia Commonwealth University School of Nursing in Richmond, VA in May 1991. She stated on her application that she has passed the exam and is awaiting NCC certification. Her score report from NCC states that she passed on 4/8/13 and will be receiving confirmation within 21 days of her examination date. Mr. Price asked if she had been teaching while working on her PhD, and if so, would this count towards her Practice Hours. Dr. Contino said it

would. Ms. Nicholson said the applicant wants to reinstate her lapsed license and also get a temporary permit. She said the applicant currently holds an active RN license in DE, which expires in November 30, 2013. She was waiting to see if she passed the NCLEX exam and she had. Ms. Tyranski said she attended Delaware State University Nursing from 2003 to present. Mr. Salati said the document that was included states 'Certificate of Obstetrical Nursing', but doesn't say Advanced Practice Nursing. He said he wasn't sure that it is an Advanced Practice Nursing certificate or the exam was a CNS exam. Mr. Price said that is why the Board would like to have a Consensus Model. He said there are certain situations where Nurse Practitioners take a certification exam. He said it is actually a certificate program and there is no exam for that. He said it would not qualify her for prescriptive authority. Dr. Contino said the application does state 'Delaware State University Nursing Program'. Mr. Price asked if she let her LPN license lapse and Ms. Nicholson said she let it lapse in 2007. Ms. Davis-Oliva read Dr. Zickafoose's notes on Ms. Gamel-McCormick which stated she needed 1500 hours in five years or 600 hours in the past two years. Faculty members can use teaching clinical courses for their hours. Ms. Nellius made a motion, seconded by Dr. Lomax, to approve her to have a Supervised Practice Plan. Dr. Contino asked about the motion and asked if the Board should recommend 'proposing to deny' instead. Ms. Davis-Oliva said the Board could propose to deny her but simultaneously offer her a Supervised Practice Plan option due to the fact that she doesn't have the practice hours. Both Ms. Nellius and Dr. Lomax agreed to the motion change. By unanimous vote, the motion carried.

Renewal

None

COMPLAINT ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Mr. Maddex made a motion, seconded by Ms. Tyranski, to ratify the following complaint assignments given to the respective Board contact person. By unanimous vote, the motion passed.

11-43-13 (Littleton)	11-44-13 (Salati)	11-45-13 (Lomax)	11-46-13 (Sanders)
11-78-12 (reassigned to Deputy)	11-64-12 (reassigned to Bradley)	11-47-13 (Tyranski)*	
11-48-13 (Maddex)*	11-49-13 (Deputy)*	11-50-13 (Deputy)*	11-51-13 (Bradley)*
11-52-13 (Salati)*	11-53-13 (Halpern)*		

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

11-43-13 (Littleton)	11-44-13 (Salati)	11-45-13 (Lomax)	11-46-13 (Sanders)
11-78-12 (reassigned to Deputy)	11-64-12 (reassigned to Bradley)		

Dismissed by the Attorney General's Office.

11-13-11 11-90-11

Closed Investigations by the Division of Professional Regulation

11-41-13 11-76-12 11-98-11 11-76-11

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Consent Agreement(s)

Kelly Mullins, RN – Board members reviewed the Consent Agreement. Mr. Salati made a motion, seconded by Mr. Deputy, to accept the consent agreement as written. By unanimous vote, the motion carried, with Mr. Sanders recused. Later in the Board meeting Mr. Price stated that he noticed the license number at the top of the Consent Agreement for Ms. Mullins was not the same as the license

number in the body of the Consent. Ms. Davis-Oliva said she would get the correct license number after the meeting and have the Consent Agreement corrected.

Hearing Officer Recommendations

Jessica Coffey, LPN – Board members reviewed the recommendation from the Hearing Officer. Ms. Davis-Oliva reviewed and recapped the hearing for the Board members. Mr. Sanders made a motion, seconded by Dr. Lomax, to accept the Hearing Officer Recommendation as written. By majority vote, the motion carried, with Ms. Nellius and Ms. Bradley abstaining and Ms. Littleton recused.

Busurat Adesanya, LPN – Board members reviewed the recommendation from the Hearing Officer. Ms. Davis-Oliva reviewed and recapped the hearing for the Board members. She reminded them that this case came before them at the May meeting and was then postponed until today's meeting due to legal concerns. Ms. Davis-Oliva said the State's allegation is that the nurse fell asleep while on duty. Ms. Adesanya provided exceptions stating adamantly that she did not fall asleep on the night in question. The Hearing Officer found that she did, in fact, fall asleep; however, the only evidence that she fell asleep was hearsay evidence. Non-hearsay evidence that was submitted was to the contrary. A decision can't be based solely on hearsay evidence. The non-hearsay evidence does not support the finding. Ms. Davis-Oliva said the Hearing Officer's conclusion of law that Ms. Adesanya was sleeping was based on hearsay, and that he makes the conclusion that there is a residuum of evidence. It seems enough circumstantial evidence makes this finding. Ms. Davis-Oliva stated that she disagreed with that conclusion and recommended that the Board reject this notion of residuum of evidence and reject the conclusion that there was a violation here. She explained that if the Board feels strongly enough that they agree with the finding of fact that she was asleep then she will research it further to find more for the residuum of conclusion. Ms. Bradley asked what would happen if the Board found the evidence to be insufficient. Ms. Davis-Oliva said she would prepare a legal order to say the Board found this and couldn't reject it, but could change conclusion of law to say there is no violation of the Nursing statute. Mr. Price talked about the mother not coming in and testifying and said he agrees with Ms. Davis-Oliva in that he doesn't think this nurse did anything wrong. Mr. Salati and Mr. Deputy both agreed. Mr. Maddex made a motion, seconded by Mr. Price, that no discipline shall be assessed against Ms. Adesanya as the Board modifies the conclusion of law of the Hearing Officer to reflect no violation of the Board's statute or regulations by Ms. Adesanya as the Hearing Officer's findings of fact, based on the 'residuum' of evidence, is legally insufficient and the finding that Ms. Adesanya was asleep on the night in question is, in fact, a finding based entirely on hearsay. By unanimous vote, the motion carried, with Ms. Tyranski being recused.

Karen Decker, RN – Board members reviewed the recommendation from the Hearing Officer. Ms. Davis-Oliva reviewed and recapped the hearing for the Board members. Ms. Decker was previously disciplined in 2010 with a letter of reprimand for failure to manually document 16 Acudose transactions while she was working for Beebe Medical Center and the electronic referral system was down. She also had one incident of withdrawing a Vicodin tablet and placing in her pocket at the time. The Board advised at that time a letter of reprimand. With regard to the current complaint the Hearing Officer found Ms. Decker diverted two stock cards of Soma, each containing 60 pills, and one stock card of Lasix while she was working at Sussex County Correctional Institute. The Hearing Office further concluded that Ms. Decker had admitted that she has a drug problem, and he concluded that the evidence in the case established that she had been diverting substantial quantities of Soma for personal use for an extended period of time; during which time period she was required to provide professional nursing services to patients on a daily basis. Ms. Davis-Oliva read the Rules and Regulations that were found to be in violation, including 10.4.2.15, which she said she had a problem with. Ms. Davis-Oliva said the State alleges that Ms. Decker acted unprofessionally contrary to Board Regulation 10.4.2.15 in that she diverted prescription drugs for her own use without proper authority. It was stated in the recommendation that, "Her presumed impairment while practicing demonstrate unfitness and impairment resulting from a dependence on prescription drugs." Ms. Davis-Oliva recommended Board

discussion regarding this. She said no evidence was shown that Ms. Decker was impaired while doing her duties. She asked the Board if they were okay with this finding. Mr. Price said the only way someone can presume impairment is if you approach them and ask for a drug test and they refuse, or if you ask for a drug test, they think that they're clean and it comes back positive. So, you cannot assume based on the fact that she was taking drugs that she was practicing under the influence. Ms. Halpern and Ms. Tyranski agreed. Dr. Contino said he was looking at an evaluation done in 2013 from Brandywine Counseling Center that stated at this time no further services were being recommended. Ms. Davis-Oliva reminded the Board there are four violations in the beginning that she doesn't find problematic; however, the Hearing Officer further concluded that she violated 10.4.2.28 in that she failed to take the appropriate action or to follow policies or procedures in a practice situation which were designed to safeguard the patient. What he found was that this was proven, even though there had been no evidence presented by the State regarding any of the policies or procedures that were in place in the practice situation at Sussex Correctional Institute. In the recommendation it states that, "I suspect that Ms. Decker's employer had adopted policies requiring employees to deal effectively with substance abuse problems and to not appear for work while impaired or likely impaired." Because he suspected there was a rule in place he found that she had violated it, and, therefore, she had violated the Board Rule that says she failed to follow the policies or procedures in a practice situation. Ms. Davis-Oliva asked the Board to look at that regulation, "failure to take appropriate action or follow policies or procedures in a practice situation." The Board discussed this and decided as a Board a decision can be made as to whether or not 'appropriate action was taken'. Ms. Davis-Oliva said if the Board was okay to reject those two rule violations, then the ones that are left to determine whether or not they wish to accept are violation for the theft of the medication, violation for not taking appropriate action to safeguard a patient, violation of admitted drug problem, and unfit to practice due to addiction and admitted use of habit forming drugs. The recommended penalty was a two year suspension, reinstated when she can demonstrate that she's undergone a substance abuse evaluation, that she follows any treatment from that evaluation, that she executes all of the releases so the Board can monitor her treatment, and that she pay for it herself. After the two years she has to ask to be reinstated and at that time the Board would maintain the ability to place her on probation with conditions. Ms. Davis-Oliva said exceptions were submitted by Ms. Decker. After much discussion by the Board, Ms. Tyranski made a motion, seconded by Ms. Bradley, to suspend for two years, at the conclusion the suspension will be lifted only if Ms. Decker has an evaluation from the substance abuse counselor that she was seeking treatment for poly-substance abuse and that she followed treatment recommended. If she can demonstrate that at the time of the petition, she will be placed on probation for three years, subject to random drug screens monthly for the first year, then quarterly thereafter. By majority vote, the motion carried, with Mr. Sanders and Ms. Nellius recused.

James Simon, RN – Board members reviewed the recommendation from the Hearing Officer. Ms. Davis-Oliva reviewed and recapped the hearing for the Board members. She said the Hearing Officer determined that Mr. Simon is unfit or incompetent by reasons of negligence, habit, or other causes and that he is habitually intemperate or addicted to the use of habit forming drugs. The Hearing Officer also found that Mr. Simon diverted controlled substances for personal consumption at three separate employers within a 12-month period and that this habit then rendered him unfit to practice nursing and he posed a danger to the public's health, safety, or welfare. Ms. Davis-Oliva asked the Board about Rule 10.2.4.15, which states, "Practicing nursing when unfit to perform procedures and make decisions in accordance with the license held because of physical or mental impairment or dependence on alcohol or drugs." The Hearing Officer concluded because Ms. Simon tested positive for drugs while he was on duty that that made him unfit to practice at that time. The Board agreed with this assessment. Ms. Davis-Oliva said the Hearing Officer recommends permanent revocation of Mr. Simon's temporary Registered Nurse permit and permanently bar him from securing a Delaware license in the future. Ms. Davis-Oliva said the Board does not have the authority to permanently bar him from securing a Delaware license in the future as they cannot bind future Boards with decisions they make today. She

said she recommends they consider the revocation part of the recommendation and reject the second part requesting licensure to be permanently barred. Dr. Contino made a motion, seconded by Mr. Salati, to permanently revoke the temporary Registered Nurse permit registered to Mr. Simon. By majority vote, the motion carried, with Mr. Deputy recused.

Karen Shields, RN – Board members reviewed the recommendation from the Hearing Officer. Ms. Davis-Oliva reviewed and recapped the hearing for the Board members. Mr. Salati suggested the period of probation not start until a drug evaluation is done. He said he doesn't feel Ms. Shields should be practicing until she has undergone some type of acute treatment. Board members discussed the length of time her license should be suspended. Ms. Nicholson reminded them the recommendation suggests license suspension stayed for probation. Dr. Contino said he feels her license should be suspended and an evaluation be done. Once that evaluation is completed and Ms. Shields has demonstrated that she has complied with the terms of the evaluation, her license can be stayed for probation. Mr. Maddex made a motion, seconded by Ms. Halpern, to accept and approve the recommendation from the Hearing Officer with added sanctions and revisions. By unanimous vote, the motion carried with Ms. Bradley being recused.

Jonell Garrett, RN – Board members reviewed the recommendation from the Hearing Officer. Ms. Davis-Oliva reviewed and recapped the hearing for the Board members. Ms. Halpern said she felt just a letter of reprimand was too lenient. Mr. Price and Ms. Tyranski agreed with that. Ms. Halpern said she felt Ms. Jonell should also be put on probation and required to earn CE's. Ms. Halpern made a motion, seconded by Mr. Salati, to accept and approve the recommendation from the Hearing Officer with added sanctions and revisions. By majority vote, the motion carried, with Dr. Contino, Mr. Deputy, and Mr. Sanders being recused.

Dawn Donovan, LPN – Board members reviewed the recommendation from the Hearing Officer. Ms. Davis-Oliva reviewed and recapped the hearing for the Board members. Dr. Lomax made a motion, seconded by Mr. Deputy, to accept the Hearing Officer recommendation as written. By unanimous vote, the motion carried.

DISCIPLINARY HEARINGS

None

LEGISLATIVE UPDATE

None

REVIEW OF COMPLIANCE

None

PRACTICE WITHOUT LICENSURE REVIEWS

None

PRACTICE ISSUES

None

EDUCATIONAL ISSUES

Excelsior College – A letter was sent to Excelsior College on May 17, 2013 stating the extension date Excelsior graduates would be able to sit for the NCLEX exam in Delaware. On June 4, 2013 Dr. Zickafoose received a letter from Excelsior thanking the Board for the extension date and reiterated that it will take three years for students to finish their degree and that these students may be disenfranchised. They offered to provide more information to the Board if requested.

LICENSURE ISSUES

None

NCSBN

None

BOARD ELECTIONS

Mr. Sanders nominated Ms. Evelyn Nicholson as President of the Board of Nursing. The President was elected by acclamation.

Mr. Maddex nominated Dr. Robert Contino as Vice President of the Board of Nursing. The Vice President was elected by acclamation.

LICENSEE RATIFICATION

Ms. Littleton made a motion, seconded by Mr. Maddex, to ratify the licensee list. By unanimous vote, the motion carried. The ratification list is attached at the end of the minutes.

PUBLIC COMMENT

Barbara Robinson thanked the Board and said she was glad the Board protects the safety of the public.

NEXT SCHEDULED MEETING

July 10, 2013 - 9:00 a.m.

861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 3:20 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Sheryl Paquette".

Sheryl Paquette, Administrative Specialist III
Delaware Board of Nursing

HEARING MINUTES

HEARING – Andrea Hutchison

The Delaware Board of Nursing held a hearing on June 12, 2013, at 11:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Robert Contino, Kathy Bradley, Dianne Halpern, Mary Lomax, Madelyn Nelliuss, David Salati, Tracy Littleton, Robert Maddex, Delphos Price, Harland Sanders, Lyron Deputy, Pamela Tyranski

RECUSED: None

EXCUSED: Pamela Zickafoose, Executive Director of Nursing

PURPOSE: Propose to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Sheryl Paquette, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patty Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Andrea Hutchison

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Vera Sitze, Wilcox and Fetzer

TIME STARTED: 11:00 a.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Hutchison was present for the hearing. The Board was provided with Ms. Hutchison's previous order. Ms. Hutchison was sworn in at 11:14 a.m. and gave a statement into the record. She provided documents for the Board. Ms. Davis-Oliva marked copies of her CE's as Licensee Exhibit #1 collectively. She marked her drug screens as Licensee Exhibit #2 collectively, and her packet of reference letters as Licensee Exhibit #3 collectively. Ms. Hutchison's witness, Mr. Jeffrey Foraker, was sworn in at 11:20 a.m. He gave a statement and was questioned by the Board. The Board went off the record at 11:27 a.m. for deliberations. The Board went back on the record at 11:40 a.m. to ask a further question of Ms. Hutchison. The Board went back off the record at 11:44 a.m. again for deliberations. The Board went back on the record at 11:45 a.m. Dr. Lomax made a motion, seconded by Ms. Bradley, to lift the suspension on Ms. Hutchison's license and place it on probation for the remaining term of two years, during which time she will arrange at her own expense, random drug screenings on at least a quarterly basis, report on a monthly basis

demonstration of ongoing participation in a formal support program or grief counseling, and participation in a 12-step program such as NA; that during the period of probation Ms. Hutchison's license shall be marked probation, she shall inform the Board of any change of address and any change of employment, she shall provide the Executive Director with a written self-evaluation before the end of her probation, she shall inform all employers that she has been placed on probation, and that she shall arrange for a nursing supervisor to submit a written performance evaluation prior to the end of the probationary period. Once the terms and conditions of the probation have been fulfilled, she may make a written request to the Executive Director of the Board for determination of the probation. By majority vote, the motion carried, with Ms. Halpern and Ms. Littleton recused. The hearing concluded at 11:48 a.m.

The Board took a lunch break from 11:48 a.m. until 12:48 p.m.

HEARING MINUTES

HEARING – Tracey Greenwood-Heiney

The Delaware Board of Nursing held a hearing on June 12, 2013, at 1:00 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Robert Contino, Kathy Bradley, Dianne Halpern, Mary Lomax, Madelyn Nellius, David Salati, Tracy Littleton, Robert Maddex, Delphos Price, Harland Sanders, Lyron Deputy, Pamela Tyranski

RECUSED: None

EXCUSED: Pamela Zickafoose, Executive Director of Nursing

PURPOSE: Propose to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Sheryl Paquette, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patty Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Tracey Greenwood-Heiney

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: Eileen Hynes, Rick Chamberlin

COURT REPORTER PRESENT: Vera Sitze, Wilcox and Fetzer

TIME STARTED: 1:08 p.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Greenwood-Heiney was present. Ms. Davis-

Oliva marked copies of Ms. Greenwood-Heiney's complete application, as well as all previously submitted supporting documentation as Board's Exhibit #1 collectively. Ms. Greenwood-Heiney was sworn in at 1:12 p.m. and gave a statement into the record. The Board asked questions of Ms. Greenwood-Heiney. Ms. Davis-Oliva asked if there were any witnesses. Witness #1, Ms. Eileen Hynes, was sworn in at 1:25 p.m. She gave her statement and was questioned by the Board. Witness #2, Mr. Rick Chamberlin, was sworn in at 1:33 p.m. He gave a statement and was also questioned by the Board. The Board went off the record at 1:35 p.m. for deliberations. The Board went back on the record at 1:36 p.m. to ask Ms. Greenwood-Heiney further questions. The Board went off the record again at 1:37 p.m. for deliberations. The Board went back on the record at 1:46 p.m. Ms. Nellius made a motion, seconded by Dr. Lomax, to grant a waiver on the condition that her license will not be issued until she either does the refresher course or gets approval for a Supervised Practice Plan, the license will be re-issued on suspension for five years but stayed immediately and placed on probation. During the term of probation she'll be subject to random drug screens on a monthly basis for the first year, then on a quarterly basis thereafter; the license issued will be marked with probation, she will notify the Executive Director within 10 days of any change of address or employment; she'll need to provide a written self evaluation before the end of the probationary period, notify employers that she is on probation, and arrange for a nursing supervisor to submit a written performance evaluation prior to the end of the probationary period. Once the terms and conditions of the probation have been fulfilled, she may make a written request to the Executive Director of the Board for termination of the probation. She would also need to maintain a 12-step program for 5 years as a condition of probation; with monthly reporting the 1st year, then quarterly for the remainder of her probation. She will request a status report from her employer toward the end of her probationary period. Once all the terms and conditions of the probationary period have been fulfilled, she can make a written request to the Executive Director of the Board to have the probationary period lifted but that any violation of this order or any violations of the Board's rules or its enabling statute will result in an immediate suspension of her license being reinstated. By unanimous vote, the motion carried. The hearing concluded at 1:54 p.m.

HEARING MINUTES

HEARING – Leslie Hensley

The Delaware Board of Nursing held a hearing on June 12, 2013, at 2:00 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Robert Contino, Kathy Bradley, Dianne Halpern, Mary Lomax, Madelyn Nellius, David Salati, Tracy Littleton, Robert Maddex, Harland Sanders, Lyron Deputy, Pamela Tyranski

RECUSED: None

EXCUSED: Delphos Price, Pamela Zickafoose, Executive Director of Nursing

PURPOSE: License Reinstatement

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Sheryl Paquette, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Catherine Hickey, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE: Stacey Stewart, DAG

RESPONDENT: Leslie Hensley

COUNSEL FOR THE RESPONDENT: Greg Morris, Esq.

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: Vivian Griffin, Judy Kolenc,

COURT REPORTER PRESENT: Vera Sitze, Wilcox and Fetzer

TIME STARTED: 2:00 p.m.

Mr. Delphos Price and Ms. Patty Davis-Oliva, DAG left the meeting at 2:00 p.m. before the start of this hearing.

The Board went on the record at 2:02 p.m. Ms. Nicholson welcomed back Ms. Catherine Hickey, DAG who was filling in for Ms. Davis-Oliva during this hearing. The recorder took verbatim testimony. The Board members introduced themselves. Ms. Hickey asked Mr. Morris and Ms. Stewart to introduce themselves, which they did. Ms. Hickey described the reason for the hearing and confirmed Ms. Hensley was present. Ms. Hickey said today's evidentiary hearing was regarding the State's complaint seeking discipline of the professional license of Ms. Lesley Hensley. She said there is a stipulation of facts, and, therefore, they will just be talking about discipline today. She said the stipulation of facts is essentially an agreement of the conduct which the State alleged in the complaint. The parties have requested at this time they be heard on the appropriate discipline and that the stipulation of facts be entered as an exhibit. Mr. Morris didn't object to her passing out the stipulation of facts. Ms. Hickey asked Ms. Stewart if she was going to hand out the State's complaint. Ms. Stewart then handed out copies of the complaint to the Board. Mr. Morris' motion, along with all the exhibits for the motion, was entered as Exhibit #1. The Complaint and the Stipulation of Facts was entered without objection from Mr. Morris as Exhibit #2. Ms. Hensley was sworn in at 2:19 p.m. Ms. Hensley gave a statement for the record. Mr. Morris called the first witness, Ms. Vivian Griffin for her testimony. Ms. Griffin was sworn in at 2:30 p.m., and gave her statement. There were no questions from the Board and no re-direct from Mr. Morris. Witness #2, Ms. Jude Kolence, was called to testify. Ms. Kolence was sworn in at 2:36 p.m., and then gave her statement. There were no questions from the Board and no re-direct from Mr. Morris. After final statements from Mr. Morris and Ms. Stewart, the Board went off the record at 2:52 for deliberations. The Board went back on the record at 3:00 p.m. Mr. Sanders made a motion, seconded by Ms. Bradley, that both Ms. Hensley's licenses would be reinstated. The Board went off the record for a question by Ms. Hickey. She asked the Board if they wanted Ms. Hensley to notify the Executive Director of a change of employment and any change in prescribed medications. Dr. Contino added that Ms. Hensley should also be required to have reports submitted regarding her required monthly meetings. The Board went back on the record at 3:07 p.m. The motion was amended to include the following: Attendance of AA and NA meetings as often as necessary, with monthly reports sent to Executive Director during remaining probationary term. All testing will be at the expense of Ms. Hensley. She must notify the Executive Director if/when she gains employment, and any changes of employment during Probationary period. She must notify Executive Director of any change of address and any change or addition of prescribed medications during the probationary period. By unanimous vote, the motion carried. The hearing concluded at 3:14 p.m.

Licensee Ratification Listings (for RN's, LPN's, and APN's)

June 2013 Licensee Listing – RN's (98)

L1-0043394	Evans, Nicole V.	L1-0043448	Benedict, Amanda B. Cocks
L1-0043395	LaTorre, Mary Anne	L1-0043449	Cerulli, Colleen Y. Deschak
L1-0043396	Okubo, Marie Achieng	L1-0043450	Anderson, Jessica S. Meyer
L1-0043397	Styles, Erin Anne	L1-0043451	Lewis, Jenna R.
L1-0043398	Kaplan, Louise H. Kaytes	L1-0043452	Collins, Megan Marie
L1-0043399	Acquaye, Lovelace Obeng-Asante	L1-0043453	Vaile, Allyssa S.
L1-0043400	Nyandondi, Grace K.	L1-0043454	Brady, Elizabeth N. Hankin
L1-0043401	Meador, Grant D.	L1-0043455	Freimuth, Felicia J.
L1-0043402	Rodriguez-Gist, Tyesha Shanequa	L1-0043456	Patey, Megan E.
L1-0043403	Prial, Amy R. O'Neill	L1-0043457	Steinbrecher, Jennifer A. Clewell
L1-0043404	Williams, Melinda Cole	L1-0043458	Ward, Regina M. Cummins
L1-0043405	Webb, Amanda L.	L1-0043459	Rachko, Alexandra H.
L1-0043406	Schwartz, Amy B. Miller	L1-0043460	Donegan, Rebecca L. Zawalich
L1-0043407	Kidwell, Stephanie F.	L1-0043461	Andres, Melita Farah B.
L1-0043408	Coon, Courtney S.	L1-0043462	Edwards, Megan J.
L1-0043409	Baukert, Lindsay K.	L1-0043463	Hawkins, Mary L. Wilkerson
L1-0043410	Hardenbergh, Amy Melissa	L1-0043464	Maddock, Maureen Frances
L1-0043411	Davidson, Darla J. Griffith	L1-0043465	Mueller, Erin J.
L1-0043412	Duffy, Karla J. Goldsmith	L1-0043466	Nemecek, Kimberly A. Dale
L1-0043413	Bournias, Jannine D. Eife	L1-0043467	O'Connell, Jennifer L. Fernandez
L1-0043414	Brant, Rachel A.	L1-0043468	Spelock, Dana Zabowski
L1-0043415	Gallagher, Kathleen C.	L1-0043469	Stahl-Hunter, Amanda J.
L1-0043416	Ortiga, Jameca D.	L1-0043470	Weiss, Samantha Michelle
L1-0043417	Iamurri, Danielle F.	L1-0043471	Hart, Stacey E. Powell
L1-0043418	Jones, Kathryn A. DeGuire	L1-0043472	Herron, Lauren C.
L1-0043419	Abban, Victor	L1-0043473	Parsons, Ashley Michelle
L1-0043420	Marion, Kimberly Lynn	L1-0043474	Stevens, Megan N. Benson
L1-0043421	Dunn, Lorraine F. McKinney	L1-0043475	Gibson, Oji W. Odaji
L1-0043422	Thompson, Jennifer J.	L1-0043476	Delp, Grace Marie
L1-0043423	Raviv, Leigh S.	L1-0043477	Gmoser, Jaye P. Westervelt
L1-0043424	Piro, Jessica E. Latawicz	L1-0043478	Holden, Bryan M.
L1-0043425	Hoppe, Patricia A. Donovan	L1-0043479	Patentreger, Michele R. Martone
L1-0043426	Abruzzo, Lauren M.	L1-0043480	LoRusso, Suzanne B. Konschak
L1-0043427	Cvelich, Laura Anne	L1-0043481	Cooper, Ramona M. Williams
L1-0043428	Pugh, Jara M.	L1-0043482	McDonald, Monika Letovska
L1-0043429	Vaughn, Kaitlyn M. Harney	L1-0043483	Lowry, Amanda M. Fleming
L1-0043430	Tobias, Rochelle Grier	L1-0043484	Kenney, Valerie E. Provenza
L1-0043431	Thomas, Betsy P.	L1-0043485	Lucksho, Chandra A. Nichols
L1-0043432	Sadri, Emily Dolby-Shields	L1-0043486	Hickey, Angela M. Klem
L1-0043433	Severson, Kathryn L.	L1-0043487	Sheetz, John W.
L1-0043434	Gerson, Ruth D.	L1-0043488	Dengler, Michelle R. Yaggle
L1-0043435	Finch, Morgan E.	L1-0043489	Eichholz, Christina M. Tadlock
L1-0043436	Ngangsic, Christine N.	L1-0043490	Kauffman, Kari D.
L1-0043437	Gaffney, Rebecca K.	L1-0043491	Lathbury-Wilson, Audra Ann
L1-0043438	Denis, Lauren P.		

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L1-0043439	Zerega, Megan P.
L1-0043440	Dow, Theresa Cronin
L1-0043441	Rash, Julie Ellen
L1-0043442	Luedecke, Dawn R. Mellor
L1-0043443	Varga, Megan Denise
L1-0043444	Winterhalter, Mary Pat Perri
L1-0043445	Wetherill, Catherine L. King
L1-0043446	Dela Cruz, Rhys
L1-0043447	DeFeo, Cynthia J. Asaud

June 2013 Licensee Listing – LPN's (25)

L2-0012005	Agaba, Abdulazeez O.
L2-0012006	Elangwe, Hannah M
L2-0012007	Kannah, Norfeh L. Molley
L2-0012008	Haggerty, Andrea Lynn
L2-0012009	Muhura, Caroline Maureen W.
L2-0012010	Suggs, Caleisha L.
L2-0012011	Gilkes, Rhonda F. Slaughter
L2-0012012	Marker, Ashley K. Rodek
L2-0012013	Couden, Tiffany A.
L2-0012014	Kilgoe, Chaunta Latresha
L2-0012015	Kaydor, Roselyn B.
L2-0012016	Azato, Donna M. Levitsky
L2-0012017	Caras, Catherine A.
L2-0012018	Cobb, Crystal D. Chambers
L2-0012019	Dorsey, Jessica L.
L2-0012020	Momoh, Augusta H. Mansaray
L2-0012021	Troyer, Joel P.
L2-0012022	Ginexi, Lynne P. Carter
L2-0012023	Arcangeli, Donna L. Alford
L2-0012024	Mariani, Whitney A. Shanefelter
L2-0012025	Moore, Nancy L. Elliott
L2-0012026	Chandler, Tikayah S.
L2-0012027	Milano, Bruce Daniel
L2-0012028	Mitchell, Shasta Janita
L2-0012029	Towle, Marcela E. Lema

APN License Listing June 2013

Erwin Atillo	CRNA
Jaimie Stafford	Psyche/Mental Health NP
Amy Prial	Gerontological NP
Angela Pinheiro	FNP
Rebecca Coyle	FNP
Carla Cooper	FNP
Nicole Shaw	FNP
Kathryn Mitchell	FNP
Joy Magee	FNP
Nina Anderson	FNP
Dana Craig	FNP

APN Prescriptive Authority for June 2013

Family Nurse Practitioner

Aiyegbo, Olufunmilayo
Anderson, Nina
Baxter, Jessica
Drakes-Chester, Ceyon
Harrison, Barbara
Jelish, Mrudula
Mathew, Raji

Psychiatric/Mental Health Nurse Practitioner

Stafford, Jaimie

Gerontological Nurse Practitioner

Prial, Amy

Acute Care Nurse Practitioner

Williamson, Lisa

Pediatric Nurse Practitioner

Craig, Dana